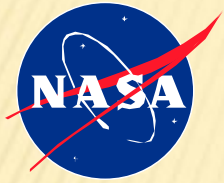


NASA Ethics Training 2010

PLEASE SIGN IN TO RECEIVE CREDIT



ETHICS OFFICIALS AT NASA

DESIGNATED AGENCY ETHICS OFFICIAL (DAEO)

Michael C. Wholley (General Counsel and DAEO)

Adam F. Greenstone (Alternate DAEO)

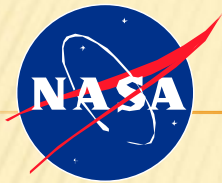
KSC Ethics Official

Jerald D. Stubbs (KSC Chief Counsel)

Routine Ethics Questions

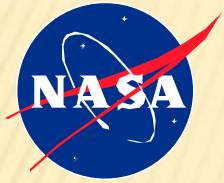
Sariah M. Adams or Tara L. Gillam (Assistant Chief Counsel)
Dawn A. Feick (Paralegal)

KSC Ethics Advisory Line: 867-9223
Email: KSC-Ethics-Advisor@mail.nasa.gov



WHAT WE WILL COVER:

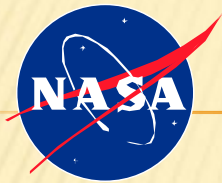
- ❖ Gifts from Non-Federal Sources
- ❖ Endorsement Using Official Title and Position
- ❖ Gifts between Employees
- ❖ Financial Conflicts of Interest
- ❖ Impartiality Considerations
- ❖ Writing that Relates to Official Duties
- ❖ Outside Activities
- ❖ Hatch Act Considerations for Political Activities
- ❖ Seeking Employment



ETHICS ENIGMA #1

World famous actress Paris Hampton recently visited the Kennedy Space Center. Paris was in town to perform in a play, and was also researching new ideas for a TV pilot entitled “The Legal Office.” Stuart, an attorney in the NASA Office of General Counsel, is assigned to escort Paris during her visit. Grateful for the help she received, she offers Stuart and his wife two tickets to her upcoming play. The play will be held after official work hours. The face value of each ticket is \$22.50.

May Stuart accept the tickets?

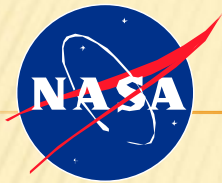


GIFTS FROM OUTSIDE SOURCES

Employees may not accept gifts given:

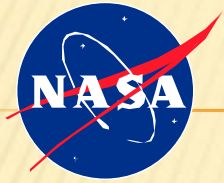
- a. By a prohibited source (such as a NASA contractor)
or
- b. Due to the employee's official position.

The general rule is subject to some **exceptions**.



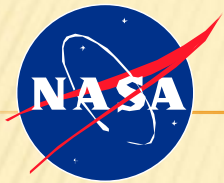
IS THE TICKET A GIFT?

- ❖ A “GIFT” may be any item of value:
(Cash, entertainment, travel, loan, discount)
- ❖ NOT GIFTS:
 - Snacks (coffee/donuts)
 - Anything for which you paid fair market value
 - Anything paid for by the government
 - Anything accepted by NASA under statutory authority
 - Any benefits or prizes open to the public or to all Government employees



IS THERE A GIFT EXCEPTION?

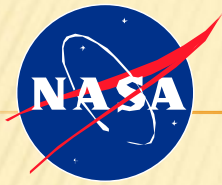
- ❖ Gifts valued at \$20 or under with annual max of \$50 from each prohibited source
- ❖ Gifts based on a personal relationship
- ❖ Awards and honorary degrees
- ❖ Widely attended gatherings (need advance written determination by Chief Counsel)
- ❖ Social invitations (not prohibited sources)
- ❖ NOTE: Special law permits acceptance of gift worth up to \$305 if it is from a foreign government



ETHICS ENIGMA #1 - ANSWER

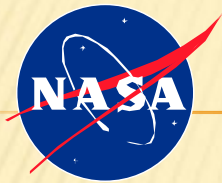
Stuart should **decline** the gift of the two free tickets because the gift was offered based on Stuart's official position.

- ❖ A gift is solicited or accepted because of the employee's official position if it is from a person other than an employee and would not have been solicited, offered, or given had the employee not held the status, authority or duties associated with his Federal position.



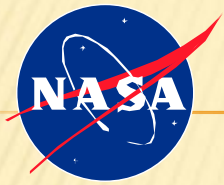
ETHICS ENIGMA #1 – ANSWER (CONTINUED)

- ❖ Stuart was assigned to assist Paris during her visit to the office and Paris offered the tickets to Stuart in gratitude for doing so. Therefore the gift would not have been offered had Stuart not been assigned to assist Paris as part of the duties associated with his Federal position.
- ❖ Federal employees like Stuart cannot accept gifts given to them because of their official position unless there is an exception that permits them to accept the item or unless the item would not be considered a gift.



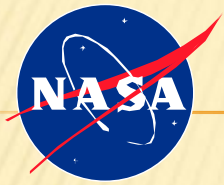
MORE ON STUART . . .

- ❖ In this case, there is no exception that permits the acceptance of these gifts. One way in which these tickets would cease to be a gift would be if Stuart paid Paris the fair market value of the tickets. In this case, Stuart must pay Paris the fair market value of \$22.50 for each ticket (\$45 for both). Stuart could not pay just the difference above \$20, but must instead pay the entire fair market value of the gift. Only then would it not be considered a gift.



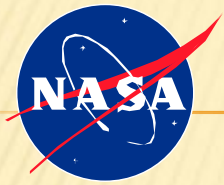
TO SUM UP GIFTS . . .

Note that it is never inappropriate and is frequently prudent to decline a gift, even if it properly falls within one of the gift exceptions.



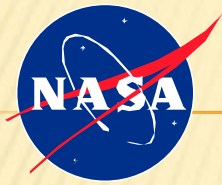
ETHICS ENIGMA #2

- ❖ Recently, Tony (a recent transfer from Goddard to KSC) went to see the IMAX film *Hubble 3D*. Tony was so impressed by the film that he posted several updates to his Facebook page and a number of Tweets espousing the virtues of the film and encouraging all his Facebook friends and Twitter followers to see the film. One post reads: “As a NASA Senior Scientist in the Hubble Operations Project Office, I’m telling you that *Hubble 3D* is the best Hubble documentary I’ve ever seen. I heartily endorse it and hope everyone will see it.”



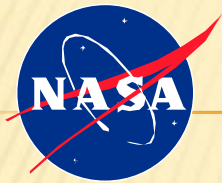
GENERAL RULE – ENDORSEMENT

- ❖ **The general rule is located in the Standards of Ethical Conduct 5 C.F.R. § 2635.702 regulations**
- ❖ An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise.
- ❖ An employee should not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another.



GENERAL RULE – REFERENCE TO OFFICIAL POSITION

- ❖ **The general rule is located in the Standards of Ethical Conduct 5 C.F.R. § 2635.808(b) regulations**
- ❖ An employee who is engaged in teaching, speaking or writing as outside employment or as an outside activity shall not use or permit the use of his official title or position to identify him in connection with his teaching, speaking or writing activity or to promote any book, seminar, course, program or similar undertaking, except:
 - ➡ biographical details
 - ➡ in connection with an article published in a scientific or professional journal

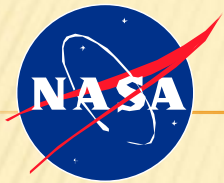


ETHICS ENIGMA #3

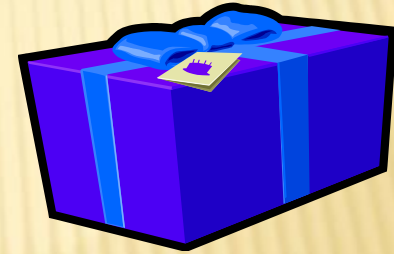
Pablo and Paul work at the Headquarters Science Mission Directorate (SMD). Pablo is Paul's direct supervisor. Pablo just popped the question to his fiancé of 5 years and has set a wedding date this month. Everyone in the office is overjoyed for Pablo (except for those who secretly hate his style of supervision.) The plan is to have a wedding shower and collect money to buy the newlyweds a special wedding present from the couple's registry, such as a collection of the expensive porcelain gold-plated dishes worth \$50 a plate or \$400 for the full set. Paul volunteers to collect for the present and everyone encourages him to push for maximum contributions from everyone in the office.

What may Paul do under the Standards of Conduct?





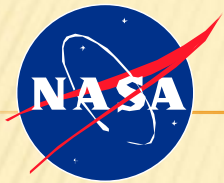
GIFTS BETWEEN EMPLOYEES



Employees may not:

Give a gift to their official supervisors or solicit others for the same.

Accept gifts from an employee receiving less pay, unless there is no superior-subordinate relationship and a personal relationship exists that would justify the gift.



GIFTS BETWEEN EMPLOYEES

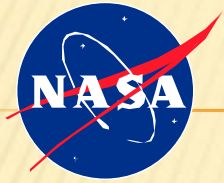
Exceptions:

On an occasional basis, employees may give or receive:

- Gifts less than **\$10**
- Items such as food to be shared in the office
- Personal hospitality

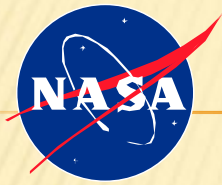
Also, employees may give gifts appropriate to the occasion:

- In recognition of infrequent, significant events (such as birth, marriage, illness)
- Upon occasions that terminate a superior-subordinate relationship (such as retirement)

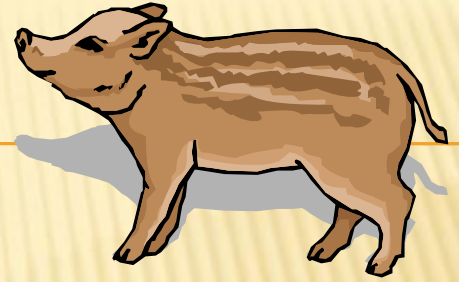


WHAT MAY PAUL DO?

- ❖ Although normally no gifts should be given to a supervisor, there are some exceptions. One such exception is for an employee to give a gift appropriate to the occasion on a special, infrequent occasion.
- ❖ So it is appropriate for Paul and his colleagues to give and for their supervisor, Pablo, to accept an appropriate group gift because a wedding is a special, infrequent occasion.
- ❖ It is also appropriate for Paul to ask his colleagues for contributions of \$5 toward the wedding gift because he has explained that employees may contribute any amount they wish or nothing at all. He has assured that any contribution is entirely voluntary and not coerced.

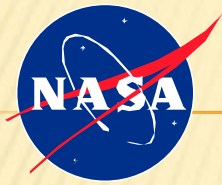


ETHICS ENIGMA #4



- ❖ KSC has grown concerned about the hog population on site. ACME won a KSC contract to humanely catch the hogs and release them elsewhere. The Program Officer of the animal control program at KSC wants to assign Sam Huff as the NASA project manager to work on the hog “catch and release” effort. As part of his duties, Sam will need to work closely with the contractor to ensure the effort runs smoothly and humanely. Sam files an OGE Form 450 (Confidential Financial Disclosure Form) that reveals that he still owns ACME stock from his previous employment years ago. The market value of Sam’s ACME stock is just under \$5k.

Can Sam serve as the project manager for the hog control program?

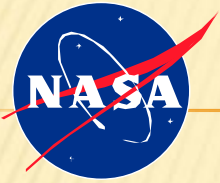


CONFLICTS OF INTEREST

The general rule is located in a criminal statute, 18 U.S.C. § 208, and states:

An employee may not participate

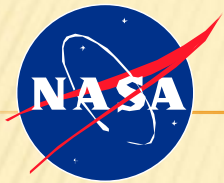
- Personally and substantially . . .
- In a particular matter . . .
- In which they have an interest or an imputed interest,
- If the particular matter will have a direct and predictable effect on the interest



IMPUTED INTERESTS

Interests imputed to the employee (i.e., considered to be the employee's own interests) include those of a:

- Spouse
- Minor child
- General partner
- Organization or entity for which the employee serves as officer, director, trustee, general partner or employee
- A person with whom the employee is seeking employment

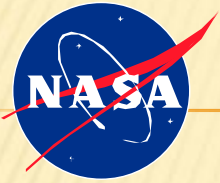


EXEMPTIONS AND WAIVERS

Exemption - An exemption exists in the Federal regulations for aggregate interests in securities (i.e., stocks) with a total value of less than \$15,000. However, NASA policy prohibits employees from participating in NASA procurements if they own any securities in bidding companies.

Waivers - Waivers may be available in some cases if the Agency determines that an interest is not so substantial as to be likely to affect the integrity of services that the Government may expect from the officer or employee.

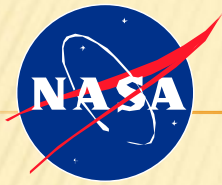
Waivers must be signed by the Administrator.



ETHICS ENIGMA #4 - ANSWER

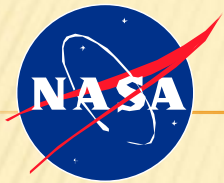


Sam can serve as the project manager and work with ACME, the supporting contractor, because the value of his stock ownership in the company is under the \$15,000 de minimis exemption. However, in order to strictly avoid even the appearance of a conflict of interest in Government-contractor relationships, the Program Officer might want to consider appointing someone else as the project manager of the hog control project.



MORE ON SAM AND THE HOGS

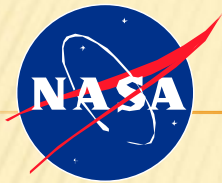
- ❖ NASA has a "zero tolerance" policy regarding stock ownership for employees participating in "proposal evaluation or selection decisions" for procurements. (NFS1803.104-70). As the project manager for a program involving a previously awarded contract, Sam would not be participating in either proposal evaluation or selection decisions. Therefore, this "zero tolerance" provision would not preclude Sam's involvement.



ETHICS ENIGMA #5

- ❖ Kelley, a senior program official with NASA's Shuttle Program for the past 30 years, plans to retire from NASA soon. On her own time, she has been writing a book based on her work with the Shuttle Program and has even started shopping her manuscript to publishers as a reflective memoir entitled "Shuttling through Life." The memoir mixes personal experiences with historical facts and technical information about the Space Shuttle that she learned from her official duties. She especially focused a large part of the book on what has been happening to the Shuttle Program during the last year, including a significant amount of information that has not been released to the public, including sensitive ongoing policy discussions on the program that she learned about through her position with NASA.

Can Kelley sign a contract and receive compensation from the publisher for the book?



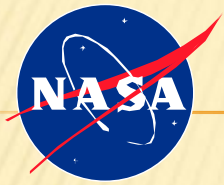
GENERAL RULE- SPEAKING, TEACHING AND WRITING

The general rule is located in the Standards of Ethical Conduct 5 C.F.R. § 2635.807 regulations and Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration, 5 C.F.R. § 6901.

Federal employees may not receive compensation from any source other than the Government for teaching, speaking or writing that relates to the employee's official duties.

These restrictions differ somewhat in their application to non-career employees or special government employees.

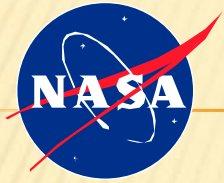
Note also that a Federal employee has an obligation not to disclose non-public information that they gained from their official government service.



ETHICS ENIGMA #5 - ANSWER

- ❖ The subject of Kelley's book deals in significant part with a matter to which she is presently assigned or to which she has been assigned during the previous one-year period. The Shuttle program is also currently an ongoing Agency program. Therefore, the subject of Kelley's book would be related to her official duties and Kelley cannot receive compensation for this type of writing from any source other than the Federal government as a Federal employee. Any royalties from book sales would be considered prohibited forms of compensation for writing related to her official duties.



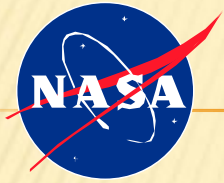


ETHICS ENIGMA #6

- ❖ The KSC Chief Counsel receives an e-mail from Sam Bucks stating: “I have been asked by a Brevard County Commissioner to serve on the Port Canaveral Authority Commission for a three year term. This is an unpaid volunteer position. This is a non-partisan political appointment and the Port Authority doesn’t have any dealings with NASA KSC. Am I allowed to accept this appointed position?”



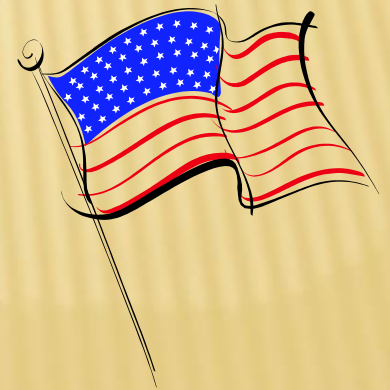
**Volunteer
Services**

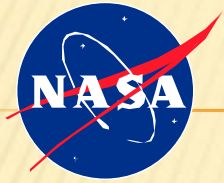


HATCH ACT

Prohibits Federal employees from engaging in partisan political activity . . .

- ❖ While on official duty
- ❖ In any room or building in which Federal employees or officers perform official work.
- ❖ While wearing a uniform or official insignia
- ❖ Using any vehicle owned or leased by the Government

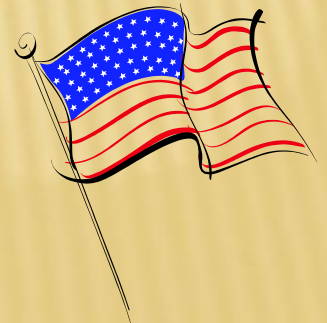


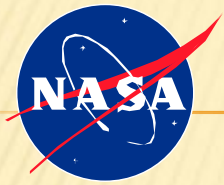


HATCH ACT

In addition, employees may not:

- ❖ Use official authority or influence to interfere with an election
- ❖ Solicit, accept, or receive political contributions
- ❖ Knowingly solicit or discourage the political activity of someone who has business before the Agency
- ❖ Be a candidate for public office in partisan election.

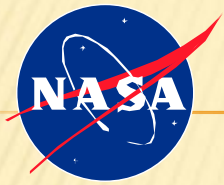




HATCH ACT AND SES

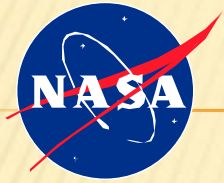
Career SES employees also may not work on campaigns where any of the candidates are running as representatives of a political party.

For example, a Career SES employee may not campaign for or against a candidate in a partisan election.



ETHICS ENIGMA #6 - ANSWER

- ❖ Sam may be able to serve on the Port Canaveral Authority Commission as an outside activity if there is no conflict of interest with his official NASA duties and it is approved in advance by his Center supervisory chain with legal review in the Center Chief Counsel's Office.
- ❖ Employees may not engage in outside activities that conflict with their official duties. A conflict exists if a) the activity is prohibited by statute or regulations or b) the employee's ability to perform his or her duties would be materially impaired.

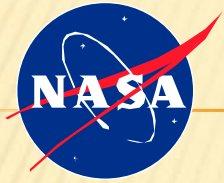


ETHICS ENIGMA #7 – MORE ON THE HATCH ACT

Jerry is a senior manager at KSC with supervisory responsibility for an office of about twenty subordinate employees. Jerry spends his lunch hours using the social networking sites, particularly Facebook®, to convey his support for the Democratic Party.

During a recent lunch break, Jerry used his work computer to update his Facebook® account to post an embedded YouTube ® video message from a re-election campaign website soliciting campaign donations. Jerry's message accompanying the video read "Sen. Wampum has been a strong defender of KSC and U.S. leadership in manned spaceflight. I hope that all of you will take the time to watch this video, visit Sen. Wampum's website, and contribute to his campaign. -Jerry."

JERRY's social networking was conducted on his own time. Did he violate the Hatch Act?

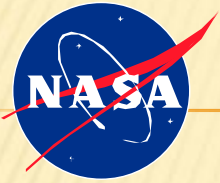


HATCH ACT

Prohibits Federal employees from engaging in partisan political activity . . .

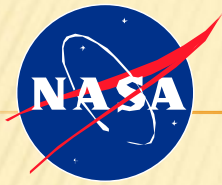
- ❖ While on official duty
- ❖ In any room or building in which Federal employees or officers perform official work.
- ❖ While wearing a uniform or official insignia
- ❖ Using any vehicle owned or leased by the Government





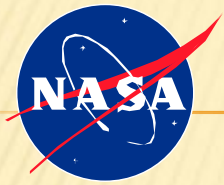
ETHICS ENIGMA #7 - ANSWER

- ❖ Jerry has violated the Hatch Act, a law that governs the political activities of Federal employees, by engaging in partisan political activity in the Federal workplace, soliciting political contributions, and using his official position to influence the political activities of subordinates.



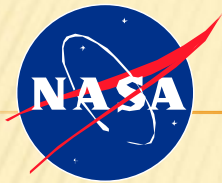
ETHICS ENIGMA #8

Jim Daawg is the Contracting Officer's Technical Representative (COTR) for a contract valued at \$4.6 million for roof replacement on several facilities at KSC. The contract was awarded to Overhead (the prime contractor) and work began more than 10 months (but less than one year) ago. As COTR, Jim is responsible for monitoring the contractor's performance. The roofs will be completed and the contract will expire in 6 weeks. A headhunter representing Overhead calls Jim at work and tells him that they want to interview him for a well-paying branch management position with the company. Although normally Jim would never consider leaving NASA, he is interested in the job and wishes to interview. **What should he do?**



SEEKING EMPLOYMENT

Once you have engaged in a conversation with a contractor about potential employment after you leave the government, you are considered to be seeking employment with that company, and you are considered to have a financial interest in the company. This is the same as if you had just purchased stock in the company.

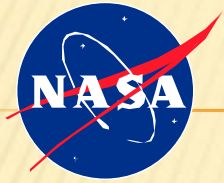


SEEKING EMPLOYMENT

Two approaches:

1. **Disqualify** yourself and stop working on NASA matters that might affect the company.
2. **Clearly reject** the employment opportunity.
(Can't tell company you might be interested later.)

Once you reject, you may continue to participate in official matters at NASA.



ETHICS ENIGMA #8 - ANSWER

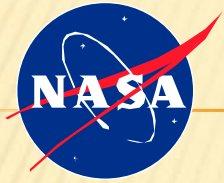
Once the headhunter tells Jim that Overhead is interested in talking to him, he has entered into employment discussions.

He must make a choice:

- completely **reject** the possibility of employment or
- **disqualify** himself from dealing with official matters, including the paper supply contract, that could affect GPC.

OR

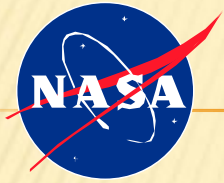




ETHICS ENIGMA #9

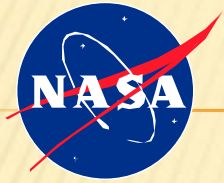
George is an engineer with Jetson Co., a NASA contractor stationed out at the OSB II. His company is laying off engineers due to program changes and he is looking at other employment options. You and George have been friends for years, and often meet up on Fridays in Headquarters (where your office is located) to get lunch and catch up on the weekend fishing outlook (you're both avid fishermen).

This Friday, George mentions his job hunting and asks you for a written reference. He knows that having a NASA employee as a reference would give him a competitive edge. You've known George since your were kids, and you know George's character and work ethic. You have no qualms about vouching for him. Do you write a reference for him?



APPEARANCE OF GOVERNMENTAL SANCTION

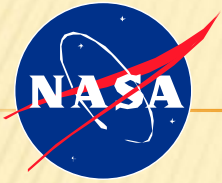
Employees are prohibited from using or allowing the use of their Government position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that NASA or the Federal Government sanctions or endorses their personal activities or those of another.



APPEARANCE OF GOVERNMENTAL SANCTION

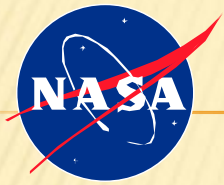
May sign letter of recommendation with official title IF:

- personal knowledge of person's ability and character and dealt with individual in course of Federal employment, OR
- recommending person for Federal employment.

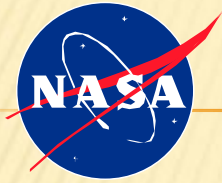


ETHICS ENIGMA #9 - ANSWER

- ✖ If George is applying for employment outside of the Federal government, you can write a personal letter of reference for George, NOT using your official title or NASA letterhead.
- ✖ If George applies for a position within the Federal government, you may provide him with a reference using your official position and/or NASA letterhead.



ALMOST DONE . . .

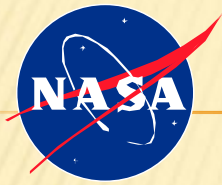


GENERAL PRINCIPLES OF PUBLIC SERVICE

EMPLOYEE RESPONSIBILITIES UNDER EXECUTIVE ORDER 12674 (as amended)

DO:

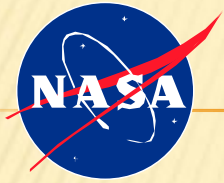
- Place loyalty to the Constitution, the laws, and ethical principles above private gain. Public Service is a public trust.
- Act impartially to all groups, persons, and organizations.
- Give an honest effort in the performance of your duties.
- Protect and conserve Federal property.
- Disclose fraud, waste, and abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as citizens, and pay your Federal, State, and local taxes.
- Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap.



GENERAL PRINCIPLES OF PUBLIC SERVICE

DO NOT:

- Use your public office for private gain.
- Use nonpublic information to benefit yourself or anyone else.
- Solicit or accept gifts from persons or parties that do business with or seek official action from NASA (unless permitted by an exception).
- Make unauthorized commitments or promises that bind the government.
- Use Federal property for unauthorized purposes.
- Take jobs or hold financial interests that conflict with your Government responsibilities.
- Take actions that give the appearance that they are illegal or unethical.



A QUICK QUIZ FOR REVIEW

**TRUE
OR
FALSE
???**



Congratulations!

**You Have Completed
Your 2010 Ethics
Training!**